



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	I	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,733		06/25/2003	Noritake Mitsutani	10517/176	1528
23838	7590	02/28/2005	•	EXAM	INER
KENYON		=	HOANG, JO	HOANG, JOHNNY H	
1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005				ART UNIT	PAPER NUMBER
				3747	
				•	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-							
	Application No.	Applicant(s)					
Office A - 4: Comment	10/602,733	MITSUTANI ET AL.					
Office Action Summary	Examiner	Art Unit					
	Johnny H. Hoang	3747					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR THE MAILING DATE OF THIS COMMUNICA: - Extensions of time may be available under the provisions of 37 after SIX (6) MONTHS from the mailing date of this communica: - If the period for reply specified above is less than thirty (30) da: - If NO period for reply is specified above, the maximum statutor: - Failure to reply within the set or extended period for reply will, It Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	TION. CFR 1.136(a). In no event, however, may a ration. y, a reply within the statutory minimum of thir y period will apply and will expire SIX (6) MON by statute, cause the application to become AE	reply be timely filed ty (30) days will be considered timely. ITHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133).					
Status	·						
1) Responsive to communication(s) filed or	n <i>25 June 2003</i> .						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4a) Of the above claim(s) is/are w 5) ☐ Claim(s) is/are allowed. 6) ☒ Claim(s) <u>1-14</u> is/are rejected. 7) ☐ Claim(s) is/are objected to.	Claim(s) 1-14 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. Claim(s) is/are allowed. Claim(s) 1-14 is/are rejected.						
Application Papers							
9) The specification is objected to by the Ex	kaminer.						
10)⊠ The drawing(s) filed on <u>06/25/03</u> is/are: a)⊠ accepted or b)⊡ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
		•					
Attachment(s)							
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-9 	4) Interview S	Summary (PTO-413) s)/Mail Date					
Notice of Draftsperson's Patent Drawing Review (FTO-S) Information Disclosure Statement(s) (PTO-1449 or PTO Paper No(s)/Mail Date 06/25/03.		nformal Patent Application (PTO-152)					

Application/Control Number: 10/602,733 Page 2

Art Unit: 3747

DETAILED ACTION

Inventorship

1. This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Oath/Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37

CFR 1.67(a) identifying this application by application number and filing date is required. See

MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the foreign application for patent or inventor's certificate on which priority is claimed pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the

application number, country, day, month and year of its filing.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the

subject matter which the applicant regards as his invention.

4. Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the

invention. The claims are replete with terms that lack antecedent basis, and unclear language too numerous to mention in every instance. The following are several examples:

Claim 1, line 7, "the duration of time" lacks of antecedent basis.

Claim 1, line 3; and claim 8, line 7, the recitation of "control amount of the internal combustion engine" renders the claim indefinite, since it is not clear that which amount of the internal combustion engine to be controlled such as amount of air, amount of fuel, amount of time or time interval. Applicants are required to define the amount to which reference to be controlled.

The claims not specifically mentioned are indefinite since they depended from one of the above claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 6. Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshino et al (US 6,251,046).

Regarding claim 1, the reference of Yoshino et al discloses an automatic engine stop control apparatus for internal combustion engine including the following subject matters:

a first controller which, when a predetermined stopping condition has been fulfilled while the engine is idling and a learning execution condition for executing learning of a control amount of the internal combustion engine has been fulfilled, automatically stops the internal combustion engine based on both the completion of learning based on the learning execution condition and Application/Control Number: 10/602,733

Art Unit: 3747

the duration of time that has passed after the predetermined stopping condition has been

fulfilled (col. 3, line 1 through col. 4, line 40; and col. 5, line 3 through col.6, line 65); and

a second controller which automatically starts the internal combustion engine which has

been automatically stopped when a predetermined starting condition has been fulfilled (col. 2,

lines 52-67).

Regarding claims 2-7, as discussed in claim 1.

Regarding claims 8-14, as discussed in the control apparatus of claims 1-7.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Uchida (US 6,308,129 B1), and Nakajima et al (US 6,275,759 B1).

7. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Johnny H. Hoang whose telephone number is (571) 272-4843.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Henry Yuen can be reached on (571) 272-4856.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHH

February 17, 2005

Johnny H. Hoang Examiner Art Unit 3747

Page 4

Fory M. Argenbright
Primary Examiner
Act Unit 3747